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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/457,743	12/10/1999	HIDEAKI SAKURAI	0834-0243-0	8014

7590

04/09/2002

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EXAMINER

JACKSON, MONIQUE R

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 04/09/2002

#9

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-responsive Reply

1. The election response filed on 1/24/02 electing Groups I and II is incomplete and hence non-responsive. Applicant is advised that in order for a reply to a restriction requirement to be complete it **must include an election of the invention to be examined even though the requirement be traversed** (37 CFR 1.143). In reply to Applicant's arguments regarding Groups I and II, though the Applicant argues that Group II (Claim 2) is a species of the genus embodied in Claim 1, the Examiner maintains that the two Groups are separate, patentably distinct inventions and does not see where Group II is a species of Group I. The invention of Claim 1 (Group I) as depicted in Figure 1 of the attached drawing is a protecting film wherein a fluoride layer is formed **on the surface** of a **preformed** metal oxide body layer formed on a substrate and does not require the use of oxide particles to form the oxide body layer. The invention of Claim 2 (Group II) as depicted in Figure 2 of the attached drawing is a protecting film wherein a fluoride layer is coated on metal oxide particles which are utilized to form a fluoride-coated metal oxide particle layer on a substrate and hence, as shown in the attached drawing, the fluorine gradient and/or fluorine concentration of Group I is not the same as the fluorine gradient and/or fluorine concentration of Group II which comprises fluorine throughout the metal oxide body layer as opposed to just at the surface of the oxide layer as in Group I. Though Group I does not require that the preformed metal oxide layer be formed by metal oxide particles, if the metal oxide layer was formed by metal oxide particles, it would still have a different fluorine gradient and/or fluorine concentration from that of Group II and would still be a different invention structurally from that of the invention of Group II. Hence, though the ultimate end effect may be the same, providing a fluoride layer on a metal oxide, the two inventions are

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different as depicted in the attached drawings and unless the Applicant can provide a showing that the fluoride provided in Group II migrates to the surface such the two inventions have the same structure, the Examiner maintains that the restriction of Group I from Group II is proper given that they are distinct for the reasons discussed above and given that they have acquired a separate status in the art as shown by their different classification. Therefore, Applicant is advised that in order for the reply to this requirement to be complete it must include an election of the invention to be examined, Group I or Group II, even though the requirement be traversed.

2. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R Jackson whose telephone number is 703-308-0428.

The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J Thibodeau can be reached on 703-308-2367. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Monique R. Jackson
Patent Examiner, TC 1700
April 8, 2002

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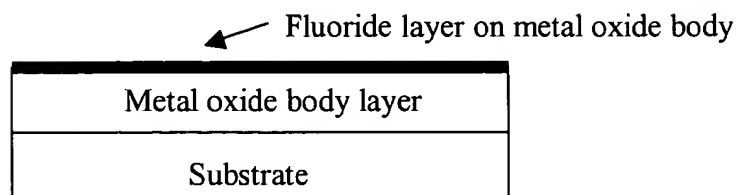


Figure 1. Group I wherein a fluoride layer is provided on a preformed metal oxide layer.

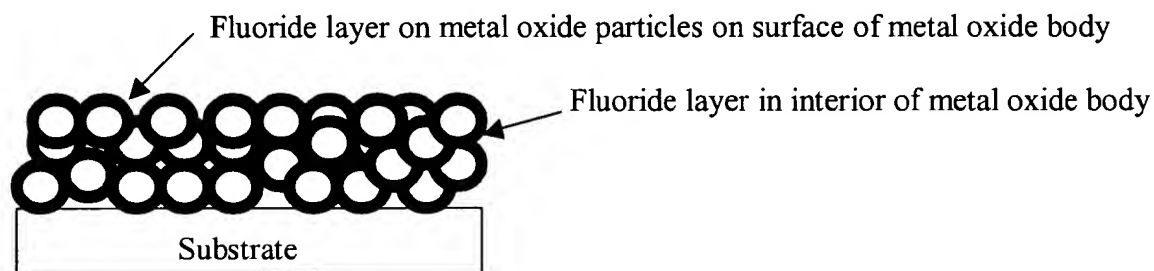


Figure 2. Group II wherein the body layer is formed from fluoride-coated metal oxide particles.

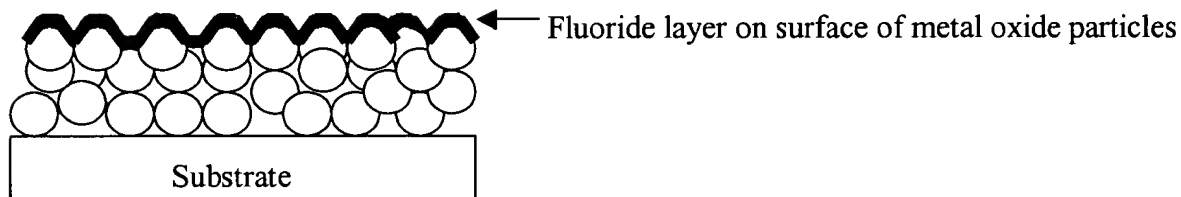


Figure 3. Group I if metal oxide body layer formed from metal oxide particles.

NOTE: Though the metal oxide body layer formed from the metal oxide particles are shown in Figures 2 and 3 to be formed from a layer greater than a monolayer of said particles, a monolayer of particles in Group II would still produce a different product from that of Group I given that the fluoride is coated on the entire outer surface of the oxide particles and hence has a different fluorine gradient than that of Group I.